

Chapter 171, Acts of the Thirty-third Legislature of Texas, 1913, and amendments thereto.

Sec. 2a. Nothing in this Act shall affect or impair, in any manner, any notice of intention to file any application or applications for any permit or permits to impound water or any presentations, or any certified filings or any one or more of them now on file or pending before the Board of Water Engineers, by any person, firm, association, public or private or municipal corporation.

Sec. 3. No provision of this Act shall ever be construed to abridge or affect any vested rights of owners of any lands riparian to the waters of the streams of this State, or streams forming a boundary of this State.

Sec. 4. The effective date of this Act shall be January 1, 1955.

Sec. 5. The fact that there are many permits heretofore granted by the Board of Water Engineers and certified filings heretofore filed with said Board, under which no part of the water authorized to be diverted and appropriated has been put to beneficial use and the further fact that there is great need for making such water available for beneficial use, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the House, May 19, 1953, by a viva-voce vote, House concurred in Senate amendments, May 25, 1953: Yeas 67, Nays 40; passed the Senate, as amended, May 22, 1953, by a viva-voce vote.

Approved June 8, 1953.

Effective Jan. 1, 1955.

WATER POLLUTION ADVISORY COUNCIL—CREATION—POWERS

CHAPTER 353⁷⁶

H. B. No. 448

An Act declaring the public policy of this State with reference to the establishment of a more comprehensive program for the prevention, abatement, and control of stream pollution; creating a five (5) member Water Pollution Advisory Council and providing its function; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It is hereby declared to be the public policy of this State to conserve its waters for public water supplies, for domestic, municipal, agricultural, industrial, recreational, for the propagation of fish and aquatic life, and other beneficial uses by establishing a more comprehensive program in the public interest for the prevention, abatement, and control of pollution.

Sec. 2. There is hereby created a five (5) member Water Pollution Advisory Council to be composed of the State Health Officer, the Executive Secretary of the State Game and Fish Commission, the Chairman of the State Board of Water Engineers, the Chairman of the Railroad Commission, and the Attorney General, who shall serve as ex officio members of this Council. Each said ex officio member is hereby authorized to delegate to a personal representative from his respective office the authority and duty to represent him on said Council. The Council shall elect a Chairman and Secretary from its members.

76. Vernon's Ann.Civ.St. art. 7621a.

The Council shall cooperate, consult and advise with other agencies, affected groups and industry, in effecting the purposes of this Act. The Council shall encourage and conduct studies and collect and disseminate information relating to water pollution and the control, prevention, and abatement thereof. The Council shall meet on the first Monday of each and every month in the City of Austin, Texas, and as often thereafter as may be decided upon by a majority vote of the Council.

Sec. 3. Nothing herein shall be construed to abridge or alter causes of action. Nor shall any provision of this Act be construed as estopping the State or any municipality or person, as riparian owners, or otherwise, in the exercise of their rights in equity or under common law or statutory law in suppressing nuisances or in abating pollution.

Sec. 4. The increasing number of pollution problems and the need for a closer coordination of activities of the enforcement agencies dealing with pollution matters creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the House, May 14, 1953: Yeas 125, Nays 7; passed the Senate, May 22, 1953: Yeas 29, Nays 0.

Approved June 8, 1953.

Effective June 8, 1953.

WATER—APPROPRIATION—PURPOSES

CHAPTER 354

H. B. No. 449

An Act amending Article 7470 of Chapter 1 of Title 128 of the Revised Civil Statutes of Texas, 1925, prescribing the purposes for which public waters of this State may be appropriated; providing the amount or quantity of water so appropriated shall be specifically appropriated for such purpose or purposes, subject to the priority of appropriations set forth in Article 7471; providing no provision of the Act shall affect any vested rights of owners of certain lands of this State; repealing Article 7470a of Chapter 1 of Title 128 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7470 of Chapter 1 of Title 128 of the Revised Civil Statutes of Texas, 1925,⁷⁷ be and the same is hereby amended so as to hereafter read as follows:

"Article 7470

The public waters of this State may be appropriated for any of the following purposes:

"Irrigation, mining, milling, manufacturing, development of power, the construction and operation of waterworks for cities and towns, for stock-raising, public parks, game preserves, recreation and pleasure resorts, power and water supply for industrial purposes and plants and for domestic use. The amount or quantity of water to be appropriated for each purpose shall be specifically appropriated for such purpose or purposes, subject to the priority of appropriations as set forth in Article 7471."

Sec. 2.⁷⁸ No provision of this Act shall ever be construed to abridge or affect any vested rights of owners of any lands riparian to the waters of the streams of this State, or streams forming a boundary of this State.

77. Vernon's Ann.Civ.St. art. 7470.

78. Vernon's Ann.Civ.St. art. 7470b.